

Appl. No. 09/892,490
Amdnt. dated May 10, 2005
Reply to Office Action of February 17, 2005

REMARKS/ARGUMENTS

The Examiner's indication that claims 3 to 14 contain allowable subject matter is noted with application.

35 U.S.C. 112 Rejections

The Examiner has rejected claims 1 to 16 under 35 U.S.C. 112, arguing that the expression "assertion" is not defined. Claims 1 and 15 have been amended to refer to "an assertion between a name and a public key". This term has a well understood meaning in security and cryptographic systems. In the remaining claims, the term is already used in the context of names and public keys.

In view of the amendment to claims 1 and 15 and the above discussion, the Examiner is respectfully requested to withdraw the U.S.C. 112 rejection of the claims.

35 U.S.C. 101 Rejections

The Examiner has rejected claims 1 to 13 and 15 to 16 under 35 U.S.C. 101, arguing that the claimed invention is directed to non-statutory subject matter.

To begin, it is respectfully noted that the recited elements are not limited to being subroutines within software programs. See for example page 14, line 7 which reads "generally the methods can be carried out by any computing apparatus containing logic for executing the described functionality. The logic may comprise external instructions contained on a computer-readable medium, or internal circuitry of one or more processors".

Furthermore, even if the claims were limited to software components or methods implemented by software components, it has become well established that such claims are completely acceptable under U.S. patent practice. With particular reference to claim 1, which is being a method claim, a good overview of the patentability of process claims is provided in the MPEP in Section 2106.2.(b) to be statutory, "a claimed computer-related process must either... or

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(B) be limited to a practical application within the technological arts". Claim 1 is clearly limited to the practical application within the art of assertion management for public keys. If this were to be construed as a business method, such a method of doing business are similarly to be simply treated like any other process claim. Similar comments apply to dependent method claim 2 and to the other method claims, namely claims 7 through 12. The remaining claims are system claims, processing platform claims, computer readable medium claims all of which are directed towards the tangible art of assertion management. Applicant respectfully submits that there is no basis whatsoever to reject any of these claims as being non-statutory subject matter.

35 U.S.C. 102(b) Rejections

The Examiner has rejected claims 1, 2, 15 and 16 under 35 U.S.C. 102(b) as being anticipated by Ward et al.

Claims 1 and 15

In the discussion of claim 1, the Examiner asserts that Ward is selling an unallocated block of time. It is submitted that Ward discloses a card that can be purchased with a specific monetary amount encoded on that card. This methodology does not correspond to a method that maintains a pool of unallocated time. It is not clear that a particular monetary amount corresponds to a fixed amount (or pool) of time. For example, if different areas in the jurisdiction that is covered by the Ward parking card charge different amounts for parking (e.g. downtown parking is more expensive than midtown parking), then the monetary amount on the card will not correspond to a fixed pool of time. This difference can also arise if different parking rates are charged for different times (e.g. weekday parking is more expensive than weekend parking). Finally, if parking rates are changed during the period of time that a person has the card, then once again, their monetary card will not correspond to a fixed pool of unallocated time. In the case of the subject matter of claim 1, the assertion specifies a fixed amount of time during which the assertion can be used. This is known because the period of use of the assertion is stored as an amount of time and not as a monetary value. Therefore, looking at the individual elements:

1. Ward does not disclose selling of a pool of unallocated time. Ward discloses a card with a

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pool of money encoded on it.

2. "subtracting the lifetime from the unallocated time". Ward discloses a method where an amount of money for a purchase is subtracted from an amount of unspent money stored on the card.

3. "adding any remaining lifetime of the assertion to the unallocated time". Ward discloses a refund of money and the addition of this money to the amount of unspent money on the card.

Claim 2

The Examiner argues that Ward discloses the "eroding" of unallocated time as claimed in claim 2. Applicant respectfully disagrees. Ward discloses the subtraction of spent funds from a monetary amount that is encoded on a card. The subject matter of claim 2 is attempting to address the issue of having "unallocated time" available for use for an indefinite period. The claim recites the concept that over time if "unallocated time" is not used, then the consumer will lose the right to use that "unallocated time". This loss of unallocated time may, for example, occur at a rate to be set by the administrator of the system. Hence unallocated time can erode. Ward discloses the subtraction of spent funds when a particular transaction is consummated. Ward does not disclose the concept that the system might reduce a user's entitlement because that user has not consumed any of that entitlement during a particular period of time.

Claim 16

Ward discloses a system to determine when there is not enough money to pay for a particular transaction. Ward does not monitor time, Ward monitors money. In the subject matter of claim 16, the system determines whether the amount of unallocated time has fallen below a particular level so that it can proactively contact the customer to ask if the customer wants to acquire additional time. In Ward, the system can only react to a purchase request and either accept or deny that request.

On this basis, it is respectfully submitted that claims 1, 2, 15 and 16 are patentable over Ward even prior to the current amendment being submitted herewith. More particularly, it is to

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be clearly understood that the amendment to claims 1 and 15 is not for the purpose of patentability, but to clarify the meaning of the term "assertion" as requested by the Examiner.

Claims 17 to 21 are new, these simply being computer readable medium claims that parallel claims 1, 2, 7, 9 and 10. A typographical error in claim 16 has been corrected.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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